

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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ELECTRONICALLY FILED
DOC #:
DATE FILED: 12/6/17

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UNITED STATES OF AMERICA,

-against-

JOSEPH PERCOCO,
a/k/a "Herb,"
ALAIN KALOYEROS,
a/k/a "Dr. K,"
PETER GALBRAITH KELLY, JR.,
a/k/a "Braith,"
STEVEN AIELLO,
JOSEPH GERARDI,
LOUIS CIMINELLI,
MICHAEL LAIPPLE, and
KEVIN SCHULER,

Defendants.
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16-CR-776 (VEC)

ORDER

VALERIE CAPRONI, United States District Judge:

WHEREAS one of the Undersigned's law clerks who has worked on this matter previously worked at Ropes and Gray, LLP, which the Undersigned understands represents Clough Harbour and Associates ("CHA"), an entity referenced in motions in limine [Dkts. 343, 345];

WHEREAS the law clerk, during his employment at Ropes and Gray, had no involvement in the representation of CHA in this matter or on any other matter, nor did he have involvement in the representation of any other Ropes and Gray client that was involved in the underlying investigation that led to this indictment;

WHEREAS the Court recognizes that a law clerk may, in some instances, have a conflict of interest in a matter in which his former employer is involved that would make it inappropriate for him to work on the matter as a law clerk; and

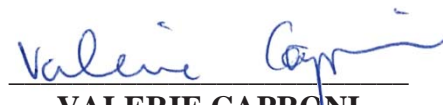
WHEREAS the Court raised this issue in today's hearing with regard to Defendant Alain Kaloyeros's motion to suppress;

IT IS HEREBY ORDERED that the parties confer and inform the Court, by letter from the Government not later than December 11, 2017, whether any party objects to this law clerk's continued work on this matter. If any party objects, the Government should *not* inform the Court who objects, but should indicate only that a party in the matter objects.

IT IS FURTHER ORDERED that this Order supersedes the instructions given to the parties at today's hearing. The Government and Kaloyeros should confer with the other Defendants and proceed as instructed immediately above.

SO ORDERED.

Date: December 6, 2017
New York, New York


VALERIE CAPRONI
United States District Judge